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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/604,982

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Nadi Sakir Findikli

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MOORE AND VAN ALLEN PLLC FOR SEMC

P.O. BOX 13706

430 DAVIS DRIVE, SUITE 500

RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

BALAOING, ARIEL A

ART UNIT

PAPER NUMBER

2617

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/604,982		FINDIKLI ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ariel Balaoing		2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-11, 16-20, 26, 27, 29-33, 36-40 and 43-58 is/are pending in the application.
- 4a) Of the above claim(s) 45-58 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, 16-20, 26, 27, 29-33, 36-40, 43 and 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some    \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-3, 5, 6, 8-11, 16- 20, 26, 27, 29, 30, 32, 33, 36-39, 43 and 44 rejected under 35 U.S.C. 103(a) as being unpatentable over HURST et al (US 2003/0224823 A1) in view of COLVIN (US 2002/0162016 A1).

Regarding claim 1, HURST discloses a method of registering [OTA activation] a licensed module in a mobile device **100** (abstract), the method comprising: detecting the licensed software package in a processing platform in the mobile device being initially accessed by a user of the mobile device (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58; subscription and software activation); collecting module parameters, the module parameters comprising at least a module identifier (paragraph 32, 35-37, 47-49, 56-58); assembling a registration message based on the detecting of the licensed software package being initially accessed, the registration message comprising at least the module identifier (paragraph 32, 35-37, 47-49, 56-58); and sending the registration message from the mobile device to a module registration system **710** corresponding to a destination address stored in the mobile device (paragraph 32, 35-37, 47-49, 56-58). However, HURST does not expressly disclose sending the registration message while

allowing use of the licensed software package without requiring permission. In the same field of the endeavor, COLVIN discloses sending a registration message to a module registration system while allowing use of a licensed software package without requiring permission so that the registering of the licensed software package is substantially transparent to the user (abstract; paragraph 31-34; Registration and authorization is provided transparent to the end user based on a counter. The system is recognizes authorized and unauthorized users and is able to take various actions including allowing the use of licensed software with or without requiring permission). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include the transparent registration process taught by COLVIN, since such a modification would allow determination of use of shareware or timed software packages to be resolved automatically.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of HURST and COLVIN further discloses encrypting a data message prior to sending the data message (paragraph 21).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising receiving an acknowledgement message from the module registration system (paragraph 59).

Regarding claim 5, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of

the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) message and the sending of the registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) message and the sending of the registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 10, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the sending of the registration message further comprises sending the registration message using a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration

message is a wireless application protocol (WAP) message and the sending of the registration message further comprises sending the registration message to a WAP server (paragraph 57, 61, 62).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising selecting a delivery path for the registration message based on a delivery path parameter for the mobile device (paragraph 45-48, 57-59).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising selecting a delivery path for the registration message based on a delivery path parameter from among the module parameters (paragraph 45-48, 57-59).

Regarding claim 18, HURST discloses a mobile device **100** operable to register a licensed software package included therein (abstract), the mobile device comprising: means for detecting the licensed software package in a processing platform in the mobile device being initially accessed by a user of the mobile device (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58; subscription and software activation); means for collecting module parameters, the module parameters comprising at least a module identifier (paragraph 32, 35-37, 47-49, 56-58); means for assembling a registration message based on the detecting of the licensed software package being initially accessed, the registration message comprising at least the module identifier (paragraph 32, 35-37, 47-49, 56-58); and means for sending the registration message from the mobile device so that the registering of the licensed software package is substantially

transparent to the user of the mobile device (paragraph 32, 35-37, 47-49, 56-58). However, HURST does not expressly disclose a means for sending the registration message while allowing use of the licensed software package without requiring permission. In the same field of the endeavor, COLVIN discloses sending a registration message to a module registration system while allowing use of a licensed software package without requiring permission so that the registering of the licensed software package is substantially transparent to the user (abstract; paragraph 31-34; Registration and authorization is provided transparent to the end user based on a counter. The system is recognizes authorized and unauthorized users and is able to take various actions including allowing the use of licensed software with or without requiring permission). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include the transparent registration process taught by COLVIN, since such a modification would allow determination of use of shareware or timed software packages to be resolved automatically.

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of HURST and COLVIN further discloses means for encrypting a data message (COLVIN – paragraph 21).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses further comprising means for receiving an acknowledgement message from the module registration system (paragraph 59).

Regarding claim 26, HURST discloses a mobile device **100** comprising: a radio frequency (RF) block for sending messages over a telecommunication network (Figure 5, 6, 8; paragraph 32, 35-37, 47-49, 56-58); and a processor platform for controlling the operation of the mobile device (paragraph 32, 35-37, 47-49, 56-58; a processing platform is inherently required in order to process over the air activation), the processing platform further comprising: at least one licensed software package including module parameters comprising a module identifier (paragraph 32, 35-37, 47-49, 56-58); and a module handler operable to collect the module parameters and cause a registration message to be assembled upon initial access of the at least one licensed software package by a user, the registration message comprising at least the module identifier in order to enable the registration of the at least one licensed software package (paragraph 32, 35-37, 47-49, 56-58); wherein the processing platform is further operable to cause the mobile device to send the registration message through the RF block to a module registration system **710** corresponding to a destination address stored in the mobile device so that the registering of the at least one licensed software package is substantially transparent to the user of the mobile device (paragraph 32, 35-37, 47-49, 56-58). However, HURST does not expressly disclose sending the registration message while allowing use of the licensed software package without requiring permission. In the same field of the endeavor, COLVIN discloses sending a registration message to a module registration system while allowing use of a licensed software package without requiring permission so that the registering of the licensed software package is substantially transparent to the user (abstract; paragraph 31-34;



Registration and authorization is provided transparent to the end user based on a counter. The system is recognizes authorized and unauthorized users and is able to take various actions including allowing the use of licensed software with or without requiring permission). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify HURST to include the transparent registration process taught by COLVIN, since such a modification would allow determination of use of shareware or timed software packages to be resolved automatically.

Regarding claim 27, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. The combination of HURST and COLVIN further discloses wherein a processor platform is operable to cause encryption of a data message prior to sending the data message (COLVIN – paragraph 21).

Regarding claim 29, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is formatted for a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 30, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) (paragraph 57, 61, 62).

Regarding claim 32, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is formatted for a short message service (SMS) (paragraph 57, 61, 62).

Regarding claim 33, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the registration message is a wireless application protocol (WAP) (paragraph 57, 61, 62).

Regarding claim 36, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 37, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 38, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 39, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the

module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

Regarding claim 43, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the processing platform is further operable to select a delivery path for the registration message based on a stored delivery path parameter for the mobile device (paragraph 45-48, 57-59).

Regarding claim 44, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module parameter further comprises a delivery path parameter (paragraph 45-48, 57-59).

4. Claims 7, 31, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over HURST et al (US 2003/0224823 A1) in view of COLVIN (US 2002/0162016 A1) and in further view of FREESE et al (US 5,148,472).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HURST states that various messaging protocols can be used for transmitting an activation message (paragraph 57), the combination of HURST and COLVIN does not expressly disclose wherein the message comprises a series of dual-tone-multi-frequency (DTMF) tones, the destination address is a telephone number, and the sending of the registration message further comprises making a telephone connection to the telephone number. FREESE discloses wherein a registration message comprises a series of dual-tone-multi-frequency (DTMF) tones, a destination address is a telephone number, and the sending of the registration message further comprises making a telephone connection to the telephone number (col. 10, line

3-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of HURST and COLVIN to include DTMF registration, as taught by FREESE, since such a modification would allow the combination of HURST and COLVIN to use an established protocol format when communicating to a server.

Regarding claim 31, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. Although HURST states that various messaging protocols can be used for transmitting an activation message (paragraph 57), the combination of HURST and COLVIN does not expressly disclose wherein the message comprises a series of dual-tone-multi-frequency (DTMF) tones and the destination address is a telephone number. FREESE discloses wherein a registration message comprises a series of dual-tone-multi-frequency (DTMF) tones and a destination address is a telephone number (col. 10, line 3-32). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of HURST and COLVIN to include DTMF registration, as taught by FREESE, since such a modification would allow the combination of HURST and COLVIN to use an established protocol format when communicating to a server.

Regarding claim 40, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. HURST further discloses wherein the module handler is operable to retrieve a stored value for the destination address from the module parameters, and wherein the module handler further comprises a default value for the destination address (paragraph 45-48, 57-59).

***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

COLVIN (US 2004/0107368 A1) – Digital rights management including self activation/self authentication software

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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AB



**WILLIAM TROST**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**